

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,)	
)	
Plaintiff,)	Civil Action No. 05-10990-DPW
)	
v.)	Magistrate Judge Judith Dein
)	
HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED,)	
)	
Defendant.)	

**JOINT MOTION FOR WITHDRAWAL HARMAN'S MOTION TO STRIKE AND FOR
ENTRY OF AMENDED SCHEDULE**

Plaintiff, Massachusetts Institute of Technology (“MIT”) and Defendant, Harman International Industries, Inc. (“Harman”), respectfully submit this motion (1) to withdraw Harman’s motion to strike the supplemental expert report of MIT’s technical expert Mr. Richard Belgard (Dkt. No. 117); and (2) requesting that the Court amend the Scheduling Order, pursuant to the agreed proposed schedule set forth below.

I. Harman’s Withdrawal of its Motion to Strike (Dkt.No. 117)

The parties have reached an agreement whereby Harman will respond to MIT’s supplemental technical expert report, instead of pursuing its motion to strike. To accomplish this, both parties have agreed to allow ample time for: (a) Harman’s technical expert to consult with the necessary resources required to respond to MIT’s supplemental expert report,¹ (b) for the parties to continue the expert depositions of Messrs. French and Belgard, as necessary; and (c) to use the foregoing information to prepare dispositive motions and oppositions. As a result,

¹ This will require time for Mr. French to travel to Germany to consult with Harman’s source code engineers, in order to respond to MIT’s supplementation concerning Harman’s source code.

the parties jointly request that this Court allow Harman to withdraw its Motion to Strike, which is Docket Number 117; and to enter the agreed schedule set forth below.

II. Joint Proposed Schedule

Pursuant to the parties' Agreement, as discussed above, the parties have also agreed to a revised proposed schedule as set forth below. The parties respectfully request this Court amend its current Scheduling Order to reflect this mutually agreed proposed schedule, which follows.

ACTIVITY	CURRENT DEADLINE	PROPOSED DEADLINE
CLOSE OF FACT DISCOVERY	September 27, 2006	September 27, 2006
SUPPLEMENTAL EXPERT REPORTS	November 10, 2006	November 10, 2006
SUPPLEMENTAL EXPERT REBUTTAL REPORTS	December 1, 2006	February 2, 2006
CLOSE OF EXPERT DISCOVERY	December 1, 2006	February 9, 2006
DISPOSITIVE MOTIONS & DAUBERT MOTIONS	December 29, 2006	February 23, 2006
OPPOSITIONS TO DISPOSITIVE & DAUBERT MOTIONS	February 2, 2006	March 23, 2006

Dated: December 8, 2006

Respectfully submitted,

Massachusetts Institute of Technology,

By its attorneys,

/s/ Steven M. Bauer

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on December 8, 2006.

/s/ Courtney A. Clark

Courtney A. Clark